



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 6-2-00 David A. Howard, petitioner/owner - 2821 West Abiaca Circle/Generally located on the east side of Nob Hill Road, approximately 1,400 feet south of SW 24 Street.

REPORT IN BRIEF:

The petitioner owns an approximate 3,300 square foot home on the subject property with an existing pool. According to the petitioner, the contractor who installed the pool located the pool too close to the property line which limits his ability to install a screen enclosure and meet the required setbacks in the PRD District. Setbacks within the PRD District are established by the conceptual master land use plan for the particular subdivision. In this case, the side setback is 7.5 feet. The petitioner is seeking a variance to reduce the required side yard setback from 7.5 feet to 5.5 feet.

Staff does not find there are special circumstances which apply to this property which do not generally apply to other properties within the same zoning district. Staff also finds that the strict application of the code would not deprive the petitioner of the reasonable use of the land or building, and that this request can be considered to be self-created.

PREVIOUS ACTIONS: None.

CONCURRENCES: The Planning and Zoning Board recommended approval subject to homeowner's association approval being submitted as required (motion carried 4-0, Mr. Davenport absent, June 28, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to deny.

Attachment(s): Planning Report, Plot Plan, Land Use Map, Subject Site Map, Aerial.

Application #: V 6-2-00

Revisions:

Exhibit "A":

Original Report Date: 6/21/00

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Agent:

Name: David Howard
Address: 2821 West Abiaca Circle
City: Davie, FL 33328
Phone: (954) 916-9928

Name: David Howard
Address: 2821 West Abiaca Circle
City: Davie, FL 33328
Phone: (954) 916-9928

BACKGROUND INFORMATION

Application Request: To reduce the required side yard setback in the PRD District from 7.5 feet to 5.5.

Address/Location: 2821 West Abiaca Circle/Generally located on the east side of Nob Hill Road, approximately 1,400 feet south of SW 24 Street.

Future Land Plan Use Designation: Special Classification Residential (3.6 du/ac)

Zoning: PRD, Planned Residential District

Existing Use: Single-family dwelling unit.

Proposed Use: Single-family dwelling unit.

Parcel Size: Approximately .23 acres (10,200 square feet)

Surrounding Uses:

Surrounding Land Use Plan:

North:	Single-family dwelling units	Special Classification Residential (3.6 du/ac)
South:	Single-family dwelling units	Special Classification Residential (3.6 du/ac)

East:	Single-family dwelling units	Special Classification
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Residential (3.6 du/ac)
West: Westridge Open Space Parcel Residential (1 du/ac)

Surrounding Zoning:

North: Planned Residential District
South: Planned Residential District
East: Planned Residential District
West: E, Estate District, across Nob Hill Road

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: None.

DEVELOPMENT PLAN DETAILS

The petitioner owns an approximate 3,300 square foot home on the subject property with an existing pool. According to the petitioner, the contractor who installed the pool located the pool too close to the property line which limits his ability to install a screen enclosure and meet the required setbacks in the PRD District. Setbacks within the PRD District are established by the conceptual master land use plan for the particular subdivision. In this case, the side setback is 7.5 feet. The petitioner is seeking a variance to reduce the required side yard setback from 7.5 feet to 5.5 feet.

The petitioner believes there is a hardship in this case as the pool was installed by the contractor without the benefit of consideration for placement of a screen enclosure. The petitioner states that, had he been aware, he would have ensured the pool was setback a sufficient distance for placement of a screen. The petitioner also states there is a need for the screen enclosure as mosquitoes and bugs within South Florida would prevent reasonable use of his land.

Applicable Codes and Ordinances

Section 12-33(A)(7), which states, in the PRD districts, unenclosed pools or screen enclosed pools shall maintain the required side setback as established by the conceptual master land use plan for the development.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 5. Planning Area 5 is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36 Street, on the western portion of this planning area, and Orange Drive on the eastern portion. This planning area is comprised of residential uses developed at a density of three to 22 dwelling units per acre and commercial development, existing and proposed, along the University Drive and Orange Drive corridors. The single-

family residential development within this planning area generally falls within larger scale communities such as Forest Ridge, Rolling Hills, Arrowhead Golf and Tennis Club, and Pine Island Bay community. The multi-family residential development tends to be smaller in scale and includes such developments as the Harvest, Isla Merita, Old Country Manor, Alpine Woods and Reflections. The commercial development along University Drive is upscale in character and comprised of retail stores and office parks.

Broward County Comprehensive Plan Considerations

This property falls within flexibility Zone 100. Broward County concurrency is unaffected by this petition.

Staff Analysis

Staff does not find there are special circumstances which apply to this property which do not generally apply to other properties within the same zoning district. Staff also finds that the strict application of the code would not deprive the petitioner of the reasonable use of the land or building, and that this request can be considered to be self-created.

Findings of Fact

Variances: Section 12-309(B)(1):

Variance Request (1):

(a) There are not special circumstances and conditions applying to the land and building for which the variance is sought; the circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought; the alleged hardship is self-created by any person having an interest in the property;

(b) The granting of the variance is not necessary for the reasonable use of the land or building;

(c) Granting of the requested variances is not in harmony with the general purpose and intent of this chapter, however, may not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the negative, staff recommends denial of petition V 6-2-00.

Planning and Zoning Board Recommendation

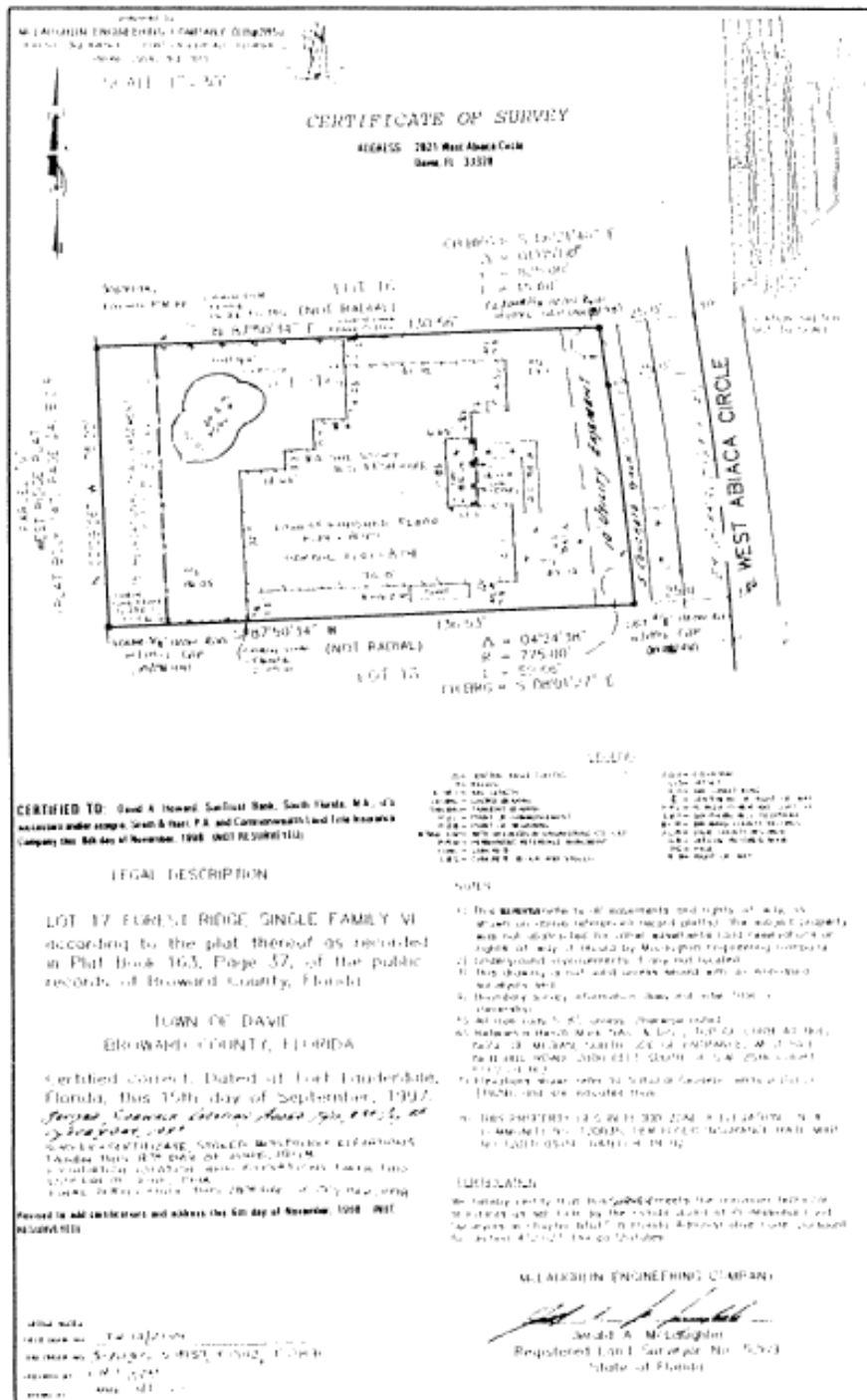
The Planning and Zoning Board recommended approval subject to homeowner's association approval being submitted as required (motion carried 4-0, Mr. Davenport absent, June 28, 2000).

Exhibits

- 1 Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: _____

Reviewed by: _____



RESIDENTIAL
1 DU/AC

SPECIAL CLASSIFICATION
RESIDENTIAL 3.6 DU/AC

SUBJECT SITE



3.6

(Golden Shoe Rd.) S.W. 100th Ave.

PETITION NUMBER
V 6-2-00
Subject Site Area
Future Land Use Plan

N
4

PREPARED 6/15/00
BY THE PLANNING &
ZONING DIVISION

Scale: 1"=200'

